

Remarks

The Office Action incorrectly identifies the pending claims as claims 1-35. As discussed with the Examiner on August 31, 2004, a Preliminary Amendment was filed with the application on April 12, 2004 (see attached copy of the Preliminary Amendment). By the Preliminary Amendment, claims 1-14 and 23-35 were cancelled. Furthermore, new claims 36-47 were added. Thus, claims 15-22 and 36-47 are pending in the application.

Double Patenting Rejection

In the Office Action, claims 1-35 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-13, 15-27 and 34 of U.S. Patent No. 6,748,636. As indicated above, claims 1-14 and 23-35 were previously cancelled. Thus, the double patenting rejection of those claims is improper.

Regarding the rejection of claims 15-22, although Applicant respectfully disagrees with the Examiner's assertion that "the claimed methods are the obvious methods of assembling the apparatus of claims 1-7, 9," Applicant will consider filing a Terminal Disclaimer upon an indication of otherwise allowable subject matter.

Previously Filed Information Disclosure Statement


Applicant requests an initialed copy of Form PTO/SB/08A that was filed with an Information Disclosure Statement on April 12, 2004.

Conclusion

Applicant has made a genuine effort to respond to each of the Examiner's objections and rejections in advancing the prosecution of this case. Applicant believes that all

formal and substantive requirements for patentability have been met and that this case is in condition for allowance, which action is respectfully requested. If any additional issues need to be resolved, the Examiner is invited to contact the undersigned at his earliest convenience.

Respectfully submitted,
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By 
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Date: November 23, 2004

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Harland D. Couillard

Serial No.:

Filed:

For:

METHOD AND APPARATUS FOR REMOVING
FORMING ELEMENTS FROM CONCRETE PIPE

Attorney Docket No.: UPCP 0102 PUS1

Group Art Unit: 3723

Examiner: Daniel G. Shanley

PRELIMINARY AMENDMENT UNDER 37 C.F.R. § 1.115

Commissioner for Patents
U.S. Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Please amend the above-identified application as follows:

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this paper, including all enclosures referred to herein, is being deposited with the United States Postal Service as first-class mail, postage pre-paid, in an envelope addressed to: Commissioner for Patents, U.S. Patent & Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450 on:

April 12, 2004
Date of Deposit

Mark E. Stuenkel
Name of Person Signing

[Signature]
Signature

In The Title

Please replace the Title to read as follows:

**METHOD AND APPARATUS FOR REMOVING
FORMING ELEMENTS FROM CONCRETE PIPE**

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

1-14. (Canceled)

15. (Original) A method of removing a forming element from a concrete pipe, the method comprising:

attaching a guide element to the forming element, the guide element having a stop; and

swinging a pendulum element such that the pendulum element engages the stop and applies a force on the guide element, thereby causing the guide element to apply a removing force on the forming element.

16. (Original) The method of claim 15 wherein the guide element has a guide channel that receives at least a portion of the pendulum element as the pendulum element swings.

17. (Original) The method of claim 15 wherein the pendulum element has an I-shaped cross-section.

18. (Original) The method of claim 15 wherein the pendulum element includes a cylindrical body, and the guide element extends through the cylindrical body.

19. (Original) The method of claim 15 wherein the guide element and the pendulum element each have a generally rectangular cross-section, and the guide element extends through the pendulum element.

20. (Original) The method of claim 15 wherein the pendulum element is supported by a support member such that the pendulum element is swingable with respect to the support member.

21. (Original) The method of claim 20 wherein the guide element is also supported by the support member.

22. (Original) The method of claim 15 further comprising adjusting swing weight of the pendulum element.

23-35. Canceled

36. (New) The method of claim 20 wherein the pendulum element is configured to remain oriented generally horizontally as the pendulum element swings with respect to the support member.

37. (New) The method of claim 20 wherein the pendulum element is swingable with respect to the support member between a first position in which the pendulum element is disengaged from the stop and a second position in which the pendulum element is engaged with the stop.

38. (New) A method for separating a first object from a second object, the method comprising:

engaging a first element with the first object, the first element having a stop; and swinging a second element with respect to a support member such that the second element engages the stop and applies a force on the first element for separating the first object from the second object.

39. (New) The method of claim 38 wherein the first element has a guide channel that receives at least a portion of the second element as the second element swings.

40. (New) The method of claim 38 wherein the second element has an I-shaped cross-section.

41. (New) The method of claim 38 wherein the second element includes a cylindrical body, and the first element extends through the cylindrical body.

42. (New) The method of claim 38 wherein the first element and the second element each have a generally rectangular cross-section, and the first element extends through the second element.

43. (New) The method of claim 38 wherein the first and second elements are supported by the support member.

44. (New) The method of claim 38 further comprising adjusting swing weight of the second element.

45. (New) The method of claim 38 wherein the second element applies a generally horizontal force to the first element upon engaging the stop.

46. (New) The method of claim 38 wherein the second element is swingable with respect to the support member between a first position in which the second element is disengaged from the stop and a second position in which the second element is engaged with the stop.

47. (New) The method of claim 38 wherein the second element is configured to remain oriented generally horizontally as the second element swings with respect to the support member.


Remarks

To address an informality, the Title of the application has been amended to recite "Method and Apparatus for Removing Forming Elements from Concrete Pipe."

Prior to examining the application, please cancel claims 1-14 and 23-35. Furthermore, please add new claims 36-47.

Respectfully submitted,

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Date: April 12, 2004

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